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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,602	02/19/2002	Yoshio Sasaki	040894-5140	2300
9629	7590	11/04/2004	EXAMINER	
MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004			CHU, KIM KWOK	
		ART UNIT	PAPER NUMBER	
		2653		

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/076,602	SASAKI ET AL.
	Examiner Kim-Kwok CHU	Art Unit 2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.
- 4) Claim(s) 1-13 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-8 and 11-13 is/are rejected.
- 7) Claim(s) 9 and 10 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 19 February 2002 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>8/2/2002</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --
(b) the invention was patented or described in a
printed publication in this or a foreign country or
in public use or on sale in this country, more than
one year prior to the date of application for
patent in the United States.*

2. Claims 1 and 3-7 are rejected under 35 U.S.C. § 102(b) as being anticipated by Takahashi (U.S. Patent 5,898,655).

Takahashi teaches a recording medium on which information is to be recorded by an information recording apparatus having all of the elements and means as recited in claims 1 and 3-7. For example, Takahashi teaches the following:

(a) as in claim 1, prior to the recording of the information therein, there are recorded in advance at least: identification information for identifying the information recording apparatus for recording the information onto the recording medium 1 (Figs. 2 and 3; ID information such as number of test area, date/time test etc.);

(b) as in claim 1, recording parameter information containing optimization information for optimizing a recording state in the record processing executed by the information recording apparatus specified by the identification information (Fig. 2; column 2, lines 1-12);

- (c) as in claim 3, the recording medium 1 comprises an information recording area where the information is to be recorded (Figs. 1a and 1b);
- (d) as in claim 3, the recording medium 1 comprises a control information recording area where recording control information used for controlling the record processing is to be recorded (Figs. 1a and 1b; PRECs are control information);
- (e) as in claim 4, the identification information and the recording parameter information being recorded in the control information area in advance (Figs. 1a and 1b);
- (f) as in claim 4, the recording medium 1 having standard recording parameter information is further recorded for executing the record processing in a standard recording state (Figs 1a and 1b; information recording area stores standard/user recording parameter);
- (g) as in claim 5, the identical identification information and the identical recording parameter information are recorded repeatedly (Figs. 1a and 1b; recording medium 1 has a plurality of recording sectors);
- (h) as in claim 6, a plurality of sets comprising the identification information and the recording parameter information which are in a corresponding relation are recorded (Figs. 1a and 1b; recording medium 1 has a plurality of recording sectors for recording related/linked data); and

(i) as in claim 7, the record processing is a record processing executed optically, and the recording parameter information is a recording parameter information for optimizing a shape of a recording pit formed on the recording medium by executing the record processing (Fig. 4, optimum laser power is for recording a pit in an optimum shape).

3. Claims 8 and 11-13 are rejected under 35 U.S.C. § 102(b) as being anticipated by Takahashi (U.S. Patent 5,898,655).

Takahashi teaches a recording medium on which information is to be recorded by an information recording apparatus having all of the elements and means as recited in claim 8. For example, Takahashi teaches the following:

(a) as in claim 8, prior to the recording of the information therein, there are recorded in advance at least: identification information for identifying the information recording apparatus for recording the information onto the recording medium 1 (Figs. 2 and 3; ID information such as number of test area, date/time test etc.);

(b) as in claim 8, recording parameter information containing optimization information for optimizing a recording state in the record processing executed by the information recording apparatus specified by the identification information (Fig. 2; column 2, lines 1-12);

- (c) as in claim 8, a storage device 11 for storing the identification information for identifying the information recording apparatus (Fig. 3);
- (d) as in claim 8, a detection device for detecting the identification information and the recording parameter information from the recording medium prior to the recording of the information (Fig. 3; reproducing head detects identification information and recording parameter information);
- (e) as in claim 8, a comparison device 10 for comparing the detected identification information to the stored identification information (Fig. 3; microcomputer compares/checks correct addresses which links to the identification information); and
- (f) as in claim 8, a recording device for recording the information onto the recording medium while optimizing the recording state by using the detected recording parameter information when the detected information coincides with the stored identification information (Fig. 4, step S7).

4. Claims 12 and 13 have limitations similar to those treated in the above rejection, and are met by the reference as discussed above.

5. Method claim 11 drawn to the method of using the corresponding apparatus claimed in claim 8. Therefore method claim 11 corresponds to apparatus claim 8 and is rejected for the same reasons of anticipation as used above.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claim 2 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Takahashi (U.S. Patent 5,898,655) in view of Takeshita (U.S. Patent 6,556,524).

Takahashi teaches a recording medium very similar to that of the present invention. However, Takahashi does not teach the following:

(a) as in claim 2, the recording parameter information comprises at least: first recording parameter used when executing the record processing with a first recording speed; and second recording parameter used when executing the record processing with a second recording speed which is faster than the first recording speed.

Takeshita teaches that speed parameters of various speeds are recorded in PCA or PMA area of a recording medium (column 10, lines 35-57).

To eliminate repetitive test procedures, optimal control data of an optical reproducing/recording apparatus can be stored on a recording medium for access during loading of the medium. For example, it would have been obvious to one of ordinary skill in the art to store the speed parameters of Takeshita in Takahashi's PCA area in the recording medium, because optimal operating speeds of reading/writing the recording medium itself can be loaded to the optical apparatus without running a speed test.

Allowable Subject Matter

8. Claims 9 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is an Examiner's statement of reasons for the indication of allowable subject matter:

As in claim 9, the prior art of record fails to teach or fairly suggest an information recording apparatus having the following features:

(a) a type-corresponding recording parameter information storage device for storing type-corresponding recording parameter information as the recording parameter information corresponding to a type of the recording medium, wherein if the detected identification information does not coincide with the stored identification information, the storage device records the information onto the recording medium by the use of the stored type-corresponding recording parameter information.

As in claim 10, the prior art of record fails to teach or fairly suggest an information recording apparatus having the following features:

(a) a standard recording parameter information storage device for detecting/storing standard recording parameter

information for executing the record processing in a standard recording state, wherein if the detected identification information does not coincide with the stored identification information, the storage device records the information onto the recording medium by the use of the stored standard recording parameter information.

The features indicated above, in combination with the other elements of the claims, are not anticipated by, nor made obvious over, the prior art of record.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yoshida (6,735,153) is pertinent because Yoshida teaches an optical recording medium having recording control information.

Fukuchi et al. (6,687,207) is pertinent because Fukuchi teaches an optical recording medium having recording control information.

Muira et al. (6,639,890) is pertinent because Muira teaches an optical disk drive having an amplitude detection means.

Spruit et al. (5,978,351) is pertinent because Spruit teaches an optical recording medium with recording control information.

11. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks Washington, D.C.
20231 Or faxed to:

(703) 872-9306 (for formal communications intended for entry. Or:

(703) 746-6909, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim CHU whose telephone number is (703) 305-3032.

kc 10/29/04

Kim-kwok CHU
Examiner AU2653
October 29, 2004

(703) 305-3032

William Korzuch
WILLIAM KORZUCH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600